

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

BETTY JEAN NAPIER

E-FILING

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C08 00910 RS

v.

ADR

TITAN MANAGEMENT SERVICES, LLC, and
FREDERICK ALLEN HOWARD

TO: (Name and address of defendant)

Frederick Allen Howard
Titan Management Services, LLC
2160 Satellite Boulevard, Suite 350
Duluth, GA 30097-4074

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Fred W. Schwinn, Esq.
Consumer Law Center, Inc.
12 South First Street, Suite 1014
San Jose, CA 95113-2418

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE FEB 12 2008


(BY) DEPUTY CLERK

Tiffany Salinas-Harwell

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Fred W. Schwinn (SBN 225575) Consumer Law Center, Inc. 12 South First Street, Suite 1014 San Jose, California 95113-2418 TELEPHONE NO.: (408) 294-6100 FAX NO. (Optional): (408) 294-6190 E-MAIL ADDRESS (Optional): fred.schwinn@sjconsumerlaw.com ATTORNEY FOR (Name): PLAINTIFF	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: UNITED STATES DISTRICT COURT FOR THE MAILING ADDRESS: NORTHERN DISTRICT OF CALIFORNIA CITY AND ZIP CODE: 280 South First Street, Room 2112 BRANCH NAME: San Jose, California 95113	
PLAINTIFF/PETITIONER: BETTY JEAN NAPIER DEFENDANT/RESPONDENT: TITAN MANAGEMENT SERVICES, LLC, ET AL.	CASE NUMBER: C08-00910-RS
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Order Setting Initial Case Management Conference; Standing Order Regarding Case Management in Civil Cases; Consent to Proceed Before a US Magistrate Judge; ECF Registration Information Handout
3. a. Party served (specify name of party as shown on documents served):
FREDERICK ALLEN HOWARD
 - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
2160 Satellite Boulevard, Suite 350
Duluth, GA 30097-4074
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: BETTY JEAN NAPIER

CASE NUMBER:

C08-00910-RS

DEFENDANT/RESPONDENT: TITAN MANAGEMENT SERVICES, LLC

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): February 14, 2008 (2) from (city): San Jose, California
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☒ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☐ On behalf of (*specify*):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Fred W. Schwinn
- b. Address: 12 South First Street, Suite 1014, San Jose, CA 95113-2418
- c. Telephone number: (408) 294-6100
- d. **The fee for service was:** \$
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: March 28, 2008

Fred W. Schwinn (SBN 225575)

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

SHORT TITLE:

NAPIER v. TITAN MANAGEMENT SERVICES, LLC, et al.

CASE NUMBER:

C08-00910-RS

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	57.44

Postmark Here
 FEB 2008
 02/14/2008

Sent To: **FREDERICK ALLEN HOWARD**
 Street, Apt. No., or PO Box No. **2160 SATELLITE BLVD, STE 350**
 City, State, ZIP+4[®] **DULUTH GA 30097-4074**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>FREDERICK ALLEN HOWARD TITAN MANAGEMENT SERVICES LLC 2160 SATELLITE BLVD, STE 350 DULUTH, GA 30097-4074</p> <p>2. Article Number (Transfer from service label) 7007 0710 0001 0498 6196</p>	<p>A. Signature X J Schian <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) J Schian</p> <p>C. Date of Delivery 02-19</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 3

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

a. ☒ summons

b. ☒ complaint

c. ☒ Alternative Dispute Resolution (ADR) package

d. ☐ Civil Case Cover Sheet (served in complex cases only)

e. ☐ cross-complaint

f. ☒ other (specify documents) : Order Setting Initial Case Management Conference; Standing Order Regarding Case Management in Civil Cases; Consent to Proceed Before a US Magistrate Judge; ECF Registration Information Handout

3. a. Party served (specify name of party as shown on documents served):
FREDERICK ALLEN HOWARD

b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made)(specify name and relationship to the party named in item 3a):

4. Address where the party was served:
10665 Nellie Brook Court C
Duluth, GA 30097-1901

5. I served the party (check proper box)

a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date) : (2) at (time) :

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PLAINTIFF/PETITIONER: BETTY JEAN NAPIER

CASE NUMBER:

C08-00910-RS

DEFENDANT/RESPONDENT: TITAN MANAGEMENT SERVICES, LLC

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- d. ☐ On behalf of (specify):

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| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
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| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

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- b. Address: 12 South First Street, Suite 1014, San Jose, CA 95113-2418
- c. Telephone number: (408) 294-6100
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- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
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- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: March 28, 2008

Fred W. Schwinn (SBN 225575)

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

SHORT TITLE:

NAPIER v. TITAN MANAGEMENT SERVICES, LLC, et al.

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C08-00910-RS

7007 0710 0001 0498 6158

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
DULUTH, GA 30097		
OFFICIAL USE		
Postage	\$ 2.84	0012
Certified Fee	\$2.65	09
Return Receipt Fee (Endorsement Required)	\$2.15	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 7.64	
		02/22/2008
Sent To FREDERICK ALLEN HOWARD Street, Apt. No., or PO Box No. 10665 NELLIE BROOK COURT C City, State, ZIP+4 DULUTH, GA 30097-1901		
PS Form 3800, August 2006 See Reverse for Instructions		

NAPIER v. TITAN

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FREDERICK ALLEN HOWARD
10665 NELLIE BROOK COURT C
DULUTH, GA 30097-1901

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Shelly Howard ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Shelly Howard

C. Date of Delivery

2-27-08

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number

7007 0710 0001 0498 6158

(transfer from service label)

rm 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

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Page 3

ADDITIONAL PAGE

Attach to Judicial Council Form or Other Court Paper